

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

CARROLL E. HEATHERLY, as)	
Independent Administrator of)	
the Estate of MARGARET M.)	
HEATHERLY, deceased, and)	
CARROLL E. HEATHERLY,)	
)	
Plaintiffs,)	8:01CV332
)	
v.)	
)	
MIDWEST SPECIALIZED)	ORDER
TRANSPORTATION; and DAVID)	
GILBERTSON,)	
)	
Defendants,)	
)	
v.)	
)	
STEVEN ALEXANDER,)	
)	
Third-Party Defendant.)	
)	
_____)	

This matter is before the Court on the motion of Midwest Specialized Transportation and David Gilbertson for stay of proceedings to enforce judgment (Filing No. 229), and on the motion of said parties to stay execution, motion to set bond, and motion to approve bond/surety (Filing No. 332). The Court notes the request for stay pending resolution of the motion for judgment as a matter of law and for a new trial is moot, and that motion will be denied as moot.

The Court has reviewed the motion to stay execution, motion to set bond, and motion to approve bond/surety and finds said motion should be granted. Accordingly,

IT IS ORDERED:

1) The motion of Midwest Specialized Transportation and David Gilbertson for stay of proceedings to enforce judgment (Filing No. 229) is denied as moot.

2) The motion to stay execution, motion to set bond, and motion to approve bond/surety is granted. Any proceeding to enforce the judgment entered against Midwest Specialized Transportation and David Gilbertson is stayed upon the filing of the supersedeas bond with the clerk of court.

3) The supersedeas bond in the amount of \$3,500,000.00 is approved; Old Republic Surety Company is approved as surety for such supersedeas bond.

DATED this 19th day of June, 2006.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court